

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

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Hearing Date: September 6, 2013  
Hearing Time: 10:00 am

In Re:

JACOB REICHMAN

Debtor.

**NOTICE OF**  
**MOTION FOR TERMINATION**  
**OF AUTOMATIC STAY**

Case No.: 13-43565-ess  
Chapter 7

Assigned to:  
HON. ELIZABETH S. STONG  
Bankruptcy Judge

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PLEASE TAKE NOTICE that U.S. Bank National Association, as trustee, of the CSFB ABS Trustee Series Heat 2002-1, by its undersigned attorneys, Eckert Seamans Cherin & Mellott, LLC, will move this Court on **September 6, 2013, at 10:00 a.m.** or as soon thereafter as the Court determines, at the United States Bankruptcy Court for the Eastern District of New York, 271-C Cadman Plaza East, Brooklyn, NY 11201, Courtroom 3585, for an Order pursuant to 11 U.S.C. §362(d)(1) and/or 11 U.S.C. §362(d)(2) terminating the automatic stay as to interest in real property commonly known as 762 Empire Boulevard, Unit 1E, Brooklyn, NY 11213, vacating the Court's Order dated July 17, 2013 terminating the automatic stay with respect to the property located at 762 Empire Boulevard, Unit 1D, Brooklyn, NY 11213 and for such other relief as the Court may deem proper.

PLEASE TAKE FURTHER NOTICE that answering and opposing papers, if any, must be served upon the Court and the undersigned no later than seven (7) days before the return date of this Motion.

DATED: August 9, 2013  
White Plains, NY

By: Andrea M. Roberts  
Richard J. Pelliccio (RJP-6537)  
Andrea M. Roberts (AMR-7383)  
ECKERT SEAMANS CHERIN & MELLOTT, LLC  
10 Bank Street, Suite 700  
White Plains, NY 10606

TO:

JACOB REICHMAN *Pro Se Debtor*  
762 Empire Boulevard  
Unit 1D  
Brooklyn, NY 11213

BEN ERPST *Pro Se Petitioner*  
Empire Condo Owners Associates  
1705 51<sup>st</sup> Street  
Brooklyn, NY 11201

OFFICE OF U.S. TRUSTEE U.S. Trustee  
271 Cadman Plaza East  
Suite 4529  
Brooklyn, NY 11201

Sweeney, Gallo, Reich & Bolz, LLP  
95-25 Queens Blvd.  
Rego Park, New York 11374  
*Attorneys for Countrywide Home Loans, Inc.*

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

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In Re:

JACOB REICHMAN

Debtor.

**AFFIRMATION IN SUPPORT OF  
MOTION FOR TERMINATION OF  
AUTOMATIC STAY**

Case No.: 13-43565-ess  
Chapter 7

Assigned to:  
HON. ELIZABETH S. STONG  
Bankruptcy Judge

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Andrea M. Roberts, the undersigned, an attorney duly licensed to practice law in the State of New York and admitted to practice before the United States District Court for the Eastern District of New York, affirms the following under the penalty of perjury:

**I. BACKGROUND**

**A. The Property and Ownership Thereof**

1. I submit the within Affirmation in support of the Motion of U.S. Bank National Association, as trustee, of the CSFB ABS Trustee Series Heat 2002-1 (hereinafter, the "Owner"), by its attorneys Eckert Seamans Cherin & Mellott, LLC, to, among other things and out of an abundance of caution, terminate the automatic stay in this case with respect to real property commonly known as 762 Empire Boulevard, Unit 1E, Brooklyn, NY 11213 (the "Property") and respectfully state as follows, based on information publicly available or provided by the Owner.

**i. 762 Empire Boulevard, Unit 1E**

2. Owner derives its status as fee simple owner of the Property from a foreclosure sale of the Property to the Owner on March 2, 2013. A true and correct copy of the Referee's deed conveying the Property to the Owner is annexed hereto as **Exhibit "A"**.

3. On December 18, 2012, a Judgment of Possession (the “Judgment of Possession”) was entered with respect to the Property, and in favor of Owner, at case number 83874/2012 in the Civil Court of the City of New York, County of Kings. A true and correct copy of the Judgment of Possession is attached hereto as **Exhibit “B”**.

**ii. 762 Empire Boulevard, Unit 1D**

4. Jacob Reichman (the “Purported Debtor”) was also the defendant named in a foreclosure action commenced in the Supreme Court of the State of New York, King County Index No.: 8236/2010 by Countrywide Home Loans, Inc., its successors and/or assigns with respect to the real property commonly known as 762 Empire Boulevard, Unit 1D, Brooklyn, NY 11231 (the “D Unit”).

5. Countrywide was granted a Judgment of Foreclosure and Sale in the foreclosure action and the D Unit was sold under the direction of the Court-appointed Referee.

6. On March 3, 2008, Countrywide obtained a Judgment of Possession with respect to the D Unit.

7. When Countrywide, by and through its agents, attempted to execute a Warrant of Eviction, it was discovered that the entranceway or doorway of the D Unit was removed or blocked over.

8. Upon information and belief, Purported Creditor combined the Property and the D Unit into one (1) apartment whereby access to the premises is through the Property.

9. The unauthorized combination of the Property and D into one (1) apartment has caused a number of problems and contributed to Owner's seeking and obtaining an order granting relief from stay with respect to the D Unit, which arguably does not include the Property. [See, **Exhibit “C”** Order entered July 17, 2013].

10. As a result, the instant motion seeks to clarify some of the confusion and also seeks to obtain relief specifically with respect to the Property.

**B. The First Involuntary Case Filed by Ben Erpst – Case No. 13-41214 – and Relief from Stay Granted.**

11. On March 4, 2013, a purported creditor, Ben Erpst, as partner and member of Empire Condo Owners Associates (the “Purported Creditor”), filed a *pro se* involuntary bankruptcy petition (the “First Involuntary Petition”) against Jacob Reichman (the “Purported Debtor”) under Chapter 7 of the United States Bankruptcy Code at Case No. 13-41214-ess (the “First Involuntary Case”).

12. Owner was unaware of the First Involuntary Case until April 3, 2013.

13. Specifically, on April 3, 2013, Owner’s attempt to enforce its Judgment of Possession via eviction by Marshall was stayed when someone (presumably the Purported Creditor) informed the Marshall of the First Involuntary Case.

14. Thereafter, on or about April 23, 2013, Owner filed a Motion for Termination of Automatic Stay (the “First Motion for Relief”) and served the same upon the Purported Debtor and the Purported Creditor. [Docket No. 8].

15. Neither the Purported Creditor nor the Purported Debtor timely responded to the First Motion for Relief or appeared at the scheduled May 14, 2013 hearing.

16. On May 14, 2013, this Court entered an Order Granting the First Motion for Relief [Docket No. 9].

17. Also on May 14, 2013, this Court entered an Order dismissing the First Involuntary Case for failure of the Purported Creditor to Prosecute. [Docket No. 10].

**C. The Second Involuntary Case Filed by Ben Erpst – 13-43565**

18. Subsequent to the expiration of the appeals periods for the above-referenced Orders, Owner rescheduled the enforcement of its Judgment of Possession in the form of an eviction conducted by Marshall for June 11, 2013.

19. However, the morning of June 11, 2013, Purported Creditor, Ben Erpst, after failing to prosecute the First Involuntary Case and failing to respond to the First Motion for Relief, surfaced and initiated a second Involuntary Bankruptcy Case at Case No. 13-43565 (the “Second Involuntary Case”) by filing a second Involuntary Bankruptcy Petition (the “Second Involuntary Petition”).

20. The Second Involuntary Petition is substantially similar to the First Involuntary Petition, such that it does not appear that any material facts or circumstances have changed since the First Involuntary Case was dismissed.

21. Immediately after commencing the Second Involuntary Case, the Purported Creditor effectively stayed Owner’s attempt to enforce its Judgment of Possession by forwarding information concerning the Second Involuntary Case to the Marshall’s office.

22. The timing of the Second Involuntary Case, especially in light of the circumstances of the First Involuntary Case, suggests that the Second Involuntary Case was filed for the purpose of staying Owner’s attempt to enforce its Judgment of Possession via an eviction with respect to the Property.

23. On June 12, 2013, Owner moved for relief from the automatic stay, which was granted on July 17, 2013 (“First Motion”). [See Ex. “C”].

24. On August 6, 2013, Owner once again attempted to evict Purported Debtor from the Property. It was not until Owner attempted to evict Purported Debtor from the Property that it learned the premises identified on the July 17, 2013 Order was incorrect. As such, Owner unable to proceed with the eviction.<sup>1</sup>

## **II. RELIEF REQUESTED AND CAUSE THEREFORE**

25. While the Property is the last known address of the Purported Debtor, Owner does not know if the Purported Debtor still resides at the Property.

26. However, upon information and belief, Purported Creditor may have access to the Property, and Owner is extremely suspicious that both the First Involuntary Petition and the Second Involuntary Petition are some type of ruse to prevent Owner from securing and enjoying the use of its Property or to otherwise prevent Owner from enforcing the Judgment of Possession.<sup>2</sup>

27. As Purported Debtor no longer owns the Property, he is (at most) a mere occupant in possession, without any legal right to be either an occupant or in possession.

28. The Owner respectfully requests that relief from stay be granted, as the Owner is the sole Owner of the Property and must be allowed to enjoy the rights incident to ownership and be able to evict the Purported Debtor or others from the Property.

29. 11 U.S.C. § 362(d)(1) provides, in pertinent part, that the Court shall grant relief from the stay imposed by Section 362(a) “for cause, including lack of adequate protection of an interest in property...”. 11 U.S.C. § 362(d)(1).

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<sup>1</sup> Owner inadvertently identified the premises in its motion terminating the automatic stay as 762 Empire Boulevard, Unit 1D. The D Unit is identified by the Purported Creditor as Purported Debtor’s address on the Involuntary Petition. As set forth below, due to this inadvertence, Owner requests the July 17, 2013 Order be vacated.

<sup>2</sup> Owner intends to seek a Rule 2004 examination of the Purported Creditor and to seek proximate and punitive damages from the Purported Creditor to the extent the First Involuntary Petition and/or Second Involuntary Petition were filed in bad faith.



30. It is respectfully submitted that the Purported Debtor has no ownership interest in the Property that would be part of the estate within the meaning of 11 U.S.C. §541. Therefore, the Owner is entitled to relief from the automatic stay for “cause” within the meaning of 11 U.S.C. §362(d)(1), as its rights should not be impaired by a bankruptcy concerning an individual who has no legally enforceable interest in the Property.

31. Moreover, 11 U.S.C. § 362(d)(2) provides, in pertinent part, that the Court shall grant relief from the stay imposed by Section 362(a) “with respect to a stay of an act against property ... if (A) the debtor does not have an equity in such property; and (B) such property is not necessary to an effective reorganization”. 11 U.S.C. § 362(d)(2).

32. It is respectfully submitted that the requirements of 11 U.S.C. § 362(d)(2)(A) are fulfilled, as the Purported Debtor has no legally enforceable interest, let alone equity, in the Property. The requirements of 11 U.S.C. § 362(d)(2)(B) are fulfilled as (i) the instant bankruptcy case is not a reorganization case and (ii) the Debtor has no legally enforceable interest in the Property.

33. As the instant Motion is not based on a mortgage default, but is based upon Owner’s fee simple ownership interest in the Property and the Judgment of Possession entered against the Purported Debtor, Owner respectfully requests that the requirement for a worksheet be waived as such worksheet will not provide any information.

34. Further, Owner respectfully requests this Court vacate the July 17, 2013 Order terminating the automatic stay as the Order refers to the D Unit and not the Property.

35. A copy of a proposed Order granting the relief sought by Owner is annexed hereto as **Exhibit “D”**.

WHEREFORE, U.S. Bank National Association, as trustee, of the CSFB ABS Trustee Series Heat 2002-1 respectfully requests this Court to enter an Order: (A) terminating the automatic stay as to Owner's interest in the Property more commonly referred to as 762 Empire Boulevard, Unit 1D, Brooklyn, NY 11213; (B) vacating the Order terminating the automatic stay dated July 17, 2013; and (C) such additional relief as the Court may deem just in this matter.

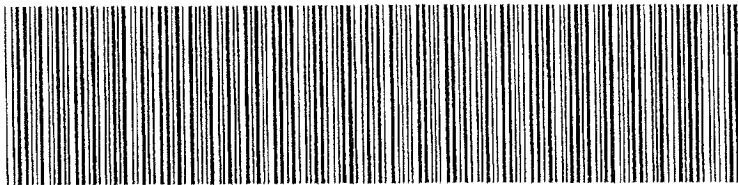
Dated: August 9, 2013  
White Plains, NY

By: Andrea M. Roberts  
Richard J. Pelliccio (RJP-6537)  
Andrea M. Roberts (AMR-7383)  
ECKERT SEAMANS CHERIN & MELLOTT, LLC  
10 Bank Street, Suite 700  
White Plains, NY 10606

# **Exhibit A**

**NYC DEPARTMENT OF FINANCE  
OFFICE OF THE CITY REGISTER**

This page is part of the instrument. The City Register will rely on the information provided by you on this page for purposes of indexing this instrument. The information on this page will control for indexing purposes in the event of any conflict with the rest of the document.


**2012052401185001001E3C8C**
**RECORDING AND ENDORSEMENT COVER PAGE**
**PAGE 1 OF 9**
**Document ID: 2012052401185001**
**Document Date: 03-02-2012**
**Preparation Date: 05-29-2012**
**Document Type: DEED**
**Document Page Count: 8**
**PRESENTER:**

**TITLE NO: MAC-1573-KINGS**  
**METROPOLIS ABSTRACT AS AGENT FOR OLD**  
**REPUBLIC**  
**570 TAXTER ROAD**  
**ELMSFORD, NY 10523**  
**914-592-0003**

**RETURN TO:**

**SELECT PORTFOLIO SERVICING, INC**  
**3815 SOUTH WEST TEMPLE**  
**SALT LAKE CITY, UT 84115**

**PROPERTY DATA**

<b>Borough</b>	<b>Block</b>	<b>Lot</b>	<b>Unit</b>	<b>Address</b>
BROOKLYN	1427	1020	Entire Lot 1E	762 EMPIRE BOULEVARD
<b>Property Type: SINGLE RESIDENTIAL CONDO UNIT</b>				

**CROSS REFERENCE DATA**

CRFN \_\_\_\_\_ or Document ID \_\_\_\_\_ or \_\_\_\_\_ Year \_\_\_\_\_ Reel \_\_\_\_\_ Page \_\_\_\_\_ or File Number \_\_\_\_\_

**PARTIES**
**GRANTOR/SELLER:**

**DAVID CHIDEKEL, ESQ, REFEREE**  
**575 MADISON AVENUE, SUITE 1006**  
**NEW YORK, NY 10022**

**GRANTEE/BUYER:**

**U.S. BANK NATIONAL ASSOCIATION**  
**338 SOUTH WARMINSTER ROAD**  
**HATBORO, PA 19040**

**FEES AND TAXES**
**Mortgage**

<b>Mortgage Amount:</b>	\$	0.00
<b>Taxable Mortgage Amount:</b>	\$	0.00
<b>Exemption:</b>		
<b>TAXES: County (Basic):</b>	\$	0.00
<b>City (Additional):</b>	\$	0.00
<b>Spec (Additional):</b>	\$	0.00
<b>TASF:</b>	\$	0.00
<b>MTA:</b>	\$	0.00
<b>NYCTA:</b>	\$	0.00
<b>Additional MRT:</b>	\$	0.00
<b>TOTAL:</b>	\$	0.00
<b>Recording Fee:</b>	\$	77.00
<b>Affidavit Fee:</b>	\$	0.00

**Filing Fee:**

	\$	0.00
<b>NYC Real Property Transfer Tax:</b>		
Ref.No. 2006000258460 PREPAID \$		2,487.10
<b>NYS Real Estate Transfer Tax:</b>		
Ref.No. 2006000258460 PREPAID \$		996.00

**RECORDED OR FILED IN THE OFFICE  
OF THE CITY REGISTER OF THE  
CITY OF NEW YORK**

Recorded/Filed 06-12-2012 16:22  
City Register File No.(CRFN):  
**2012000229404**



*Annette McMill*

**City Register Official Signature**

mac 03 #1573-8

THIS DEED dated the 2 day of March, 2012,

BETWEEN David Chidekel, Esq., 575 Madison Avenue, Suite 1006, New York, New York 10022, Referee duly appointed in the action hereinafter mentioned, Grantor, and

U.S. Bank National Association as trustee of CSFB ABS Trust Series HEAT 2002-1, 338 South Warminster Road, Hatboro, PA 19040, Grantee,

---

WITNESSETH that the Grantor, the referee appointed in an action between U.S. BANK NATIONAL ASSOCIATION AS TRUSTEE OF CSFB ABS TRUST SERIES HEAT 2002-1, Plaintiff, and JACOB REICHMAN and DALIA REICHMAN, Defendants, under Index No. 11889/2005, Supreme Court of the State of New York, Kings County, 360 Adams Street, Foreclosure Part, Room 274, Brooklyn, NY 11201, foreclosing a mortgage recorded on January 15, 2002, in the Office of the Clerk of the County of Kings, in Liber 5435 of Mortgages, at Page 2296, in pursuance of a judgment entered at an IAS, Part 49 of the Supreme Court, on September 9, 2005, and in consideration of Two Hundred Fifty-one Thousand Five Hundred Five and 24/100 (\$251,505.24) Dollars paid by the Grantee, being the highest sum bid at the sale under said judgment, does hereby grant and convey unto the Grantee

Said premises known as and by the street address: 762 Empire Boulevard 1E, Brooklyn, New York 11213.

SEE EXHIBIT "A" ANNEXED HERETO AND MADE A PART HEREOF.

Said premises being and intended to be the same premises conveyed by Deed dated January 4, 1996, from SHELIBONEH CONSTRUCTION, INC. to JACOB REICHMAN, recorded February 2, 1996, in Liber 3647 at page 919.

**TO HAVE AND TO HOLD** the premises granted unto the Grantee U.S. Bank National Association as trustee of CSFB ABS Trust Series HEAT 2002-1, and its assigns forever. Whenever the text requires, the singular number herein shall include the plural and all genders.

This deed replaces a referee's deed which I executed before a notary public on February 16, 2006, a true and correct copy of which is attached hereto as Exhibit B. The original deed cannot be located after a diligent search and was not recorded.

IN WITNESS WHEREOF, the grantor has set his hand and seal, the date first above written.

David Chidekel

David Chidekel, Esq.

Referee

STATE OF NEW YORK     }  
                                      } SS.:  
COUNTY OF NEW YORK    }

On the 21 day of March in the year 2012, before me, the undersigned, a notary public in and for said state, personally appeared David Chidekel, Esq., personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity that by his/her their signature(s) on the instrument, the individual(s) or the person upon behalf of which the individual(s), acted executed the instrument.

Armida Alarcon  
NOTARY PUBLIC

ARMIDA ALARCON  
COMMISSIONER OF DEEDS  
EXP DEC 1, 2012  
NEW YORK COUNTY  
NO. 2-12665

SEAL

Record & Return to:  
Select Portfolio Servicing, Inc.  
3815 South West Temple  
Salt Lake City, UT 84115  
(V0053405.1)

**EXHIBIT "A"**

BLOCK: 1427 AND LOT: 1020

~~THE Unit (the "Unit") known as Unit No. 1E in the Empire Gardens Condominium located at~~  
762 Empire Boulevard, Borough of Brooklyn, County of Kings, City and State of New York,  
~~said Unit being designated and described as Unit No. 1 E in the Declaration establishing a plan~~  
for condominium ownership of said premises under Article 9-B of the Real Property Law of the  
State of New York (the "New York Condominium Act"), said Declaration dated January 5, 1995  
and recorded in the Kings County Office of the Register of the City of New York (the "City  
Register's Office") on August 21, 1995 in Reel 3567 page 126 and also designated as Tax Lot  
1020 in Block 1427 of Section 5 of the Borough of Brooklyn on Tax Map of the Real Property  
Assessment Department of the City of New York and on the Floor Plans of said Building,  
certified by Robert Henry, R.A. on June 2, 1992, and filed in the City Register's Office on 1995  
as Condominium Plan No. 53. The premises upon which the Condominium and the Unit therein  
are located (the "Property") are more particularly described in Schedule A hereto and made a  
part hereof. All capitalized terms herein which are not separately defined herein shall have the  
meanings given to those terms in the Declaration or in the By-Laws of the Condominium. (Said  
Declaration and By-Laws, as the same may be amended from time to time, are hereinafter  
referred to as the "Declaration and the "By-Laws", respectively).

TOGETHER with an undivided 1.70% interest in the Common Elements.

32356740145

SCHEDULE A

ALL that certain plot, piece or parcel of land, situate, lying and being in the Borough of Brooklyn, County of Kings, City and State of New York, bounded and described as follows:

BEGINNING at a point on the easterly side of Troy Avenue, distant fifteen feet, one and three quarter inches northerly from the corner formed by the intersection of the easterly side of Troy Avenue and the northerly side of Lefferts Avenue (formerly known as Broadway);

RUNNING THENCE northerly along the easterly side of Troy Avenue, eighty five feet;

THENCE easterly at right angles to Troy Avenue, one hundred feet;

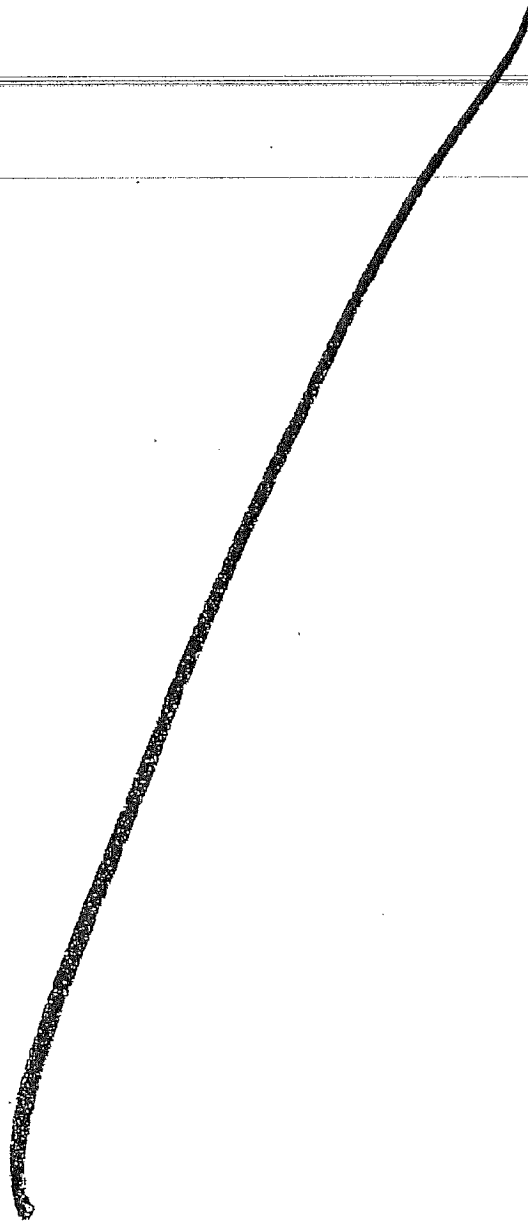
THENCE southerly parallel with Troy Avenue, eighty four feet nine and one eight inches;

THENCE southwesterly parallel with Lefferts Avenue (formerly known as Broadway), on foot seven and one eight inches;

THENCE westerly at right angles to Troy Avenue, ninety eight feet five and one eight inches to the easterly side of Troy Avenue at the point or place of BEGINNING.



EXHIBIT B



ORIGINAL

THIS DEED at day of December, 2005

BETWEEN David Chidekel, Esq., 575 Madison Avenue, Suite 1006, New York, New York 10022, Referee duly appointed in the action hereinafter mentioned, Grantor, and

U.S. Bank National Association as trustee of CSEB ABS Trust Series HENT 2002-1, 336 South Main Street, Hatboro, PA 19040, Grantee,

WITNESSETH that the grantor, the referee appointed in an action between U.S. BANK NATIONAL ASSOCIATION AS TRUSTEE OF CSEB ABS TRUST SERIES HENT 2002-1, Plaintiff and JACOB REICHMAN; DALIA REICHMAN, Defendants under Index No. 11889/2005, Kings County Supreme Court, 360 Adams Street, Foreclosure Part, Room 274, Brooklyn, NY 11201, foreclosing a mortgage recorded on January 13, 2002, in the Office of the Clerk of the County of Kings, in Liber 8433 of Mortgages, at Page 2296, in pursuance of a judgment entered at an ILS, Part 49 of the Supreme Court, on September 9, 2005, and in consideration of Two Hundred Fifty-one Thousand Five Hundred Five and 24/100 (\$251,505.24) Dollars paid by the grantor, being the highest sum bid at the sale under said judgment, does hereby grant and convey unto the grantee

Said premises known as and by the street address: 762 Empire Boulevard 1E, Brooklyn, New York 11213.

SEE SCHEDULE "A" APPENDED HERETO AND MADE A PART HEREOF.

Said premises being and intended to be the same premises conveyed by Deed dated January 4, 1996, from SHELLBOMER CONSTRUCTION, INC. to JACOB REICHMAN, recorded February 2, 1996, in Liber 3647 at page 919.

TO HAVE AND TO HOLD the premises granted unto the grantee U.S. Bank National Association as trustee of CSEB ABS Trust Series HENT 2002-1, and its assigns forever. Whenever the text requires, the singular number herein shall include the plural and all genders.

IN WITNESS WHEREOF, the grantor has set his hand and seal, the date first above written.

*David Chidekel*  
David Chidekel, Esq.  
Referee

STATE OF NEW YORK

COUNTY OF *K*

On the *16* day of *February* in the year 2005, before me, the undersigned, a notary public in and for said state, personally appeared David Chidekel, Esq., personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity that by his/her their signature(s) on the instrument, the individual(s) or the person upon behalf of which the individual(s), acted executed the instrument.

*Maria A. Rivera*  
NOTARY PUBLIC  
Maria A. Rivera  
Notary Public  
State of New York

## SCHEDULE "A"

THE Unit (the "Unit") known as Unit No. 1E in the Rialto Gardens Condominium located at 762 Empire Boulevard, Borough of Brooklyn, County of Kings, City and State of New York, said Unit being designated and described as Unit No. 1 E in the Declaration establishing a plan for condominium ownership of said premises under Article 2-A of the Real Property Law of the State of New York (the "New York Condominium Act"), said Declaration dated January 6, 1975 and recorded in the Kings County Office of the Register of the City of New York (the "City Register's Office") on August 22, 1975 in Vol. 1987 page 126 and also designated as Tax Lot 1120 in Block 1477 of Section 3 of the Borough of Brooklyn on the Tax Map of the Real Property Assessment Department of the City of New York and on the Floor Plans of said Building, certified by Robert Wenzel, R.A., on June 2, 1982, and filed in the City Register's Office on 1982 as Condominium Plan No. . . . The premises upon which the Condominium and the Unit therein are located (the "Property") are more particularly described in Schedule A hereto and each as part thereof. All capitalized terms herein which are not separately defined herein shall have the meanings given to those terms in the Declaration or in the By-Laws of the Condominium. (Said Declaration and By-Laws, as the same may be amended from time to time, are hereinafter referred to as the "Declaration and the By-Laws", respectively).

TOGETHER with an undivided 1/48 interest in the Common Elements.

Index No. 11889/2005

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF KINGS

-----X  
DAVID CHIDEST, Esq., Referee,  
Grantor,

TO

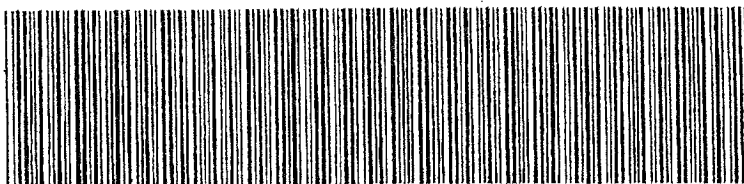
U.S. BANK NATIONAL ASSOCIATION AS TRUSTEE OF  
CSFB ABS TRUST SERIES HEAT 2002-1,  
Grantee.  
-----X

-----  
REFEREE'S DEED IN FORECLOSURE  
-----

SECTION:  
BLOCK: 1427  
LOT: 1020

RECORD AND RETURN TO:  
U.S. Bank National Association as trustee of CSFB ABS Trust  
Series HEAT 2002-1  
338 South Warminster Road  
Hatboro, PA 19040

NYC DEPARTMENT OF FINANCE  
OFFICE OF THE CITY REGISTER



2012052401185001001SF20D

SUPPORTING DOCUMENT COVER PAGE

PAGE 1 OF 1

Document ID: 2012052401185001

Document Date: 03-02-2012

Preparation Date: 05-29-2012

Document Type: DEED


SUPPORTING DOCUMENTS SUBMITTED:

Page Count

RP - 5217 REAL PROPERTY TRANSFER REPORT

2

FOR CITY USE ONLY		C1. County Code		C2. Date Deed Recorded		C3. Book		C4. Page		C5. CRFN	
				Month / Day / Year							



**REAL PROPERTY TRANSFER REPORT**  
STATE OF NEW YORK  
STATE BOARD OF REAL PROPERTY SERVICES  
**RP - 5217NYC**  
(Rev 11/2002)

**PROPERTY INFORMATION**

1. Property Location: 762 Empire Boulevard, Unit 1E Brooklyn 11213  
STREET NUMBER STREET NAME BOROUGH ZIP CODE

2. Buyer Name: U.S. Bank National Association, As Trustee  
LAST NAME / COMPANY FIRST NAME

3. Tax Billing Address: Indicate where future Tax Bills are to be sent. If other than buyer address (at bottom of form) Select Portfolio Servicing, Inc.  
LAST NAME / COMPANY FIRST NAME  
 3815 SouthWest Temple Salt Lake City UT 84115  
STREET NUMBER AND STREET NAME CITY OR TOWN STATE ZIP CODE

4. Indicate the number of Assessment Roll parcels transferred on the deed: # of Parcels OR Part of a Parcel  
 5. Deed Property Size: FRONT FEET X DEPTH OR ACRES  
 6. Ownership Type is Condominium ☒   
 7. New Construction on Vacant Land ☐

8. Seller Name: David Chidekel, Esq., as Referee  
LAST NAME / COMPANY FIRST NAME

9. Check the box below which most accurately describes the use of the property at the time of sale:

A <input type="checkbox"/> One Family Residential	C <input type="checkbox"/> Residential Vacant Land	E <input type="checkbox"/> Commercial	G <input type="checkbox"/> Entertainment / Amusement	I <input type="checkbox"/> Industrial
B <input type="checkbox"/> 2 or 3 Family Residential	D <input type="checkbox"/> Non-Residential Vacant Land	F <input checked="" type="checkbox"/> Apartment	H <input type="checkbox"/> Community Service	J <input type="checkbox"/> Public Service

**SALE INFORMATION**

10. Sale Contract Date: / /  
Month Day Year

11. Date of Sale / Transfer: 03 / 02 / 12  
Month Day Year

12. Full Sale Price: \$251,505.24  
(Full Sale Price is the total amount paid for the property including personal property. This payment may be in the form of cash, other property or goods, or the assumption of mortgages or other obligations.) Please round to the nearest whole dollar amount.

13. Indicate the value of personal property included in the sale: \$0.00

## 14. Check one or more of these conditions as applicable to transfer:

- A ☐ Sale Between Relatives or Former Relatives  
 B ☐ Sale Between Related Companies or Partners in Business  
 C ☐ One of the Buyers is also a Seller  
 D ☐ Buyer or Seller is Government Agency or Lending Institution  
 E ☒ Deed Type not Warranty or Bargain and Sale (Specify Below)  
 F ☐ Sale of Fractional or Less than Fee Interest (Specify Below)  
 G ☐ Significant Change in Property Between Taxable Status and Sale Dates  
 H ☐ Sale of Business is included in Sale Price  
 I ☐ Other Unusual Factors Affecting Sale Price (Specify Below)  
 J ☐ None

Referee's Deed/Foreclosure

**ASSESSMENT INFORMATION - Data should reflect the latest Final Assessment Roll and Tax Bill**

15. Building Class: 18. Total Assessed Value (of all parcels in transfer):

17. Borough, Block and Lot / Roll Identifier(s) (If more than three, attach sheet with additional Identifier(s))  
 Brooklyn (Section 3) Block 1427 Tax Lot 1020

**CERTIFICATION**

I certify that all of the items of information entered on this form are true and correct (to the best of my knowledge and belief) and I understand that the making of any willful false statement of material fact hereby will subject me to the provisions of the penal law relative to the making and filing of false instruments.

BUYER: *[Signature]*  
 c/o Select Portfolio Servicing, Inc.  
BUYER SIGNATURE DATE  
 3815 South West Temple  
STREET NUMBER STREET NAME (AFTER SALE)  
 Salt Lake City UT 84115  
CITY OR TOWN STATE ZIP CODE

BUYER'S ATTORNEY: Davis Dorothy  
LAST NAME FIRST NAME  
 415 566-5953  
AREA CODE TELEPHONE NUMBER  
*[Signature]* 3/2/12  
SELLER SIGNATURE DATE

ADDENDUM TO RP-5217

Transferor: David Chidekel, as referee

Transferee: US Bank National Association, as Trustee

Property: 762 Empire Boulevard  
Brooklyn, NY 11213, Unit 1E

Jacob Reichman is a defaulted mortgagor who has been foreclosed of all right, title and interest in the above-referenced property. As such, the undersigned is unable to verify his social security or tax identification number or obtain his signature.

Dated: White Plains, NY  
July 27, 2011

  
Richard J. Pelliccio, Esq.

# **Exhibit B**



CIVIL COURT OF THE CITY OF NEW YORK  
COUNTY OF KINGS PART  
DECISION AND JUDGMENT

INDEX # 083874/2012  
JUDGMENT SEQ # 001

U.S. BANK NATIONAL ASSOCIATION AS TRUSTEE OF CSFB ABS TRUST,  
Petitioner(s)

AGAINST  
REICHMAN, JACOB  
REICHMAN, DALIA  
DOE, JOHN  
DOE, JANE

Respondent(s)

---

Decision and judgment is rendered based upon  
a decision made after an inquest was held as follows:

Judgment of possession is granted in favor of:

U.S. BANK NATIONAL ASSOCIATION AS TRUSTEE OF CSFB ABS TRUST,  
and against

REICHMAN, JACOB  
REICHMAN, DALIA  
DOE, JOHN  
DOE, JANE

A counterclaim is granted in favor of the respondent in the amount of \$0.00  
(which if not being entered separately is offset and reflected in the  
total amount due, listed below.)

A money judgment is hereby granted, along with cost and disbursements  
in the amount of \$0.00 in favor of:

U.S. BANK NATIONAL ASSOCIATION AS TRUSTEE OF CSFB ABS TRUST,  
and against

REICHMAN, JACOB  
REICHMAN, DALIA  
DOE, JOHN  
DOE, JANE

for a total amount of \$0.00

(Monthly use and occupancy is set at \$0.00 per month, as per order,  
stipulation or decision in record.)

Warrant to issue forthwith

Date 12/18/12

Execution ND SATY

**GARY F. MARTON**

Judge, Civil/Housing, HOUSING PART

CIVIL COURT OF THE CITY OF NEW YORK  
COUNTY OF KINGS PART 1  
DECISION AND JUDGMENT

INDEX # 083874/2012  
JUDGMENT SEQ # 001

Section 5020(c) of the Civil Practice Law and Rules requires that a satisfaction be filed with the clerk when the judgment is satisfied. Failure to do so subjects the judgment creditor to penalties.

ENTRY OF JUDGMENT

Judgment entered in accordance with the above on

8/18/12

*Carol Alt*  
CHIEF CLERK

Chief Clerk, Civil Court

Warrant issued to Marshal

On

CIV-LT-50(2006)

Page 2 of 2

# **Exhibit C**

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

In Re:

JACOB REICHMAN

Debtor.

Case No.: 13-43565-ess  
Chapter 7

Assigned to:  
HON. ELIZABETH S. STONG  
Bankruptcy Judge

**ORDER GRANTING MOTION FOR TERMINATION OF AUTOMATIC STAY**

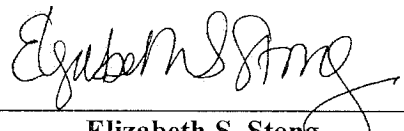
NOW THIS 16th day of July, 2013, the Motion (the "Motion") of U.S. Bank National Association, as trustee, of the CSFB ABS Trustee Series Heat 2002-1 (the "Owner"), dated June 12, 2013, came before the Court for termination of the automatic stay with respect to real property more commonly referred to as 762 Empire Boulevard, Unit 1D, Brooklyn, NY 11213 (the "Property"). This Court, having considered the matter presented and any responses thereto, and with good cause appearing therefore, it is hereby

**ORDERED**, that the automatic stay in effect pursuant to 11 U.S.C. Section 362(a), is hereby terminated pursuant to 11 U.S.C. § 362(d)(1) and (d)(2) to allow the Owner to pursue its rights under applicable law with respect to the above-described Property; and it is further

~~ORDERED~~, that Owner's enforcement of its rights pursuant to the prior paragraph shall not be the subject of the automatic stay in any subsequent bankruptcy case filed by or against Mr. Jacob Reichman.

Dated: Brooklyn, New York  
July 17, 2013



  
Elizabeth S. Stong  
United States Bankruptcy Judge

# **Exhibit D**

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

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In Re:

JACOB REICHMAN

Debtor.

Case No.: 13-41214-ess  
Chapter 7

Assigned to:  
HON. ELIZABETH S. STONG  
Bankruptcy Judge

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**ORDER GRANTING MOTION FOR TERMINATION OF AUTOMATIC STAY**

NOW THIS \_\_\_\_ day of \_\_\_\_\_, 2013, the Motion (the “Motion”) of U.S. Bank National Association, as trustee, of the CSFB ABS Trustee Series Heat 2002-1 (the “Owner”), dated August 9, 2013, came before the Court for termination of the automatic stay with respect to real property more commonly referred to as 762 Empire Boulevard, Unit 1E, Brooklyn, NY 11213 (the “Property”). This Court, having considered the matter presented and any responses thereto, and with good cause appearing therefore, it is hereby

**ORDERED**, that the automatic stay in effect pursuant to 11 U.S.C. Section 362(a), is hereby terminated pursuant to 11 U.S.C. § 362(d)(1) and (d)(2) to allow the Owner to pursue its rights under applicable law with respect to the above-described Property.

Dated: Brooklyn, New York  
\_\_\_\_\_, 2013

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Hon. ELIZABETH S. STONG  
United States Bankruptcy Judge

**CERTIFICATE OF SERVICE**

I hereby certify that I caused true and correct copies of the foregoing **NOTICE OF MOTION FOR TERMINATION OF AUTOMATIC STAY** and **AFFIRMATION IN SUPPORT OF MOTION FOR TERMINATION OF AUTOMATIC STAY** upon the persons listed below via First Class U.S. Mail, postage prepaid, this 12th day of August, 2013:

JACOB REICHMAN  
762 Empire Boulevard, Unit 1D  
Brooklyn, NY 11213

*Pro Se Debtor*

BEN ERPST  
Empire Condo Owners Associates  
1705 51<sup>st</sup> Street  
Brooklyn, NY 11201

*Pro Se Petitioner*

OFFICE OF U.S. TRUSTEE  
271 Cadman Plaza East  
Suite 4529  
Brooklyn, NY 11201

U.S. Trustee

COUNTRYWIDE HOME LOANS, INC.  
Sweeney, Gallo, Reich & Bolz, LLP  
95-25 Queens Blvd.  
Rego Park, New York 11374

/s/ Andrea M. Roberts